

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KEN WALTERS, et al.,

Plaintiffs,

v.

WESTCON MICROTUNNELING,  
INC. et al.,

Defendants.

NO. C05-4986 TEH

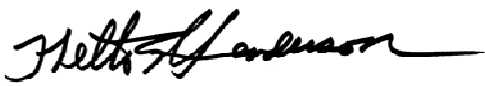
ORDER VACATING ORDER TO  
SHOW CAUSE AND CASE  
MANAGEMENT CONFERENCE

The Court is in receipt of responses to the July 18, 2006 order to show cause filed by Ms. Theresa Powers, general counsel to Defendant Modern Continental Construction Co., Inc., and Ms. Conchita Lozano-Batista, counsel for Plaintiffs. After carefully considering these responses, the Court does not find sanctions to be warranted in this instance and hereby VACATES the order to show cause and August 7, 2006 show cause hearing.

In addition, both counsel represented to the Court that this matter has fully settled. Ms. Lozano-Batista further represented that her office “anticipates receiving a check [from Ms. Powers’s client] and filing a dismissal of this case in the next few days.” Pls.’ Response ¶ 4. Accordingly, there is no need for a case management conference at this time, and the August 7, 2006 case management conference is also hereby VACATED. However, Plaintiffs shall file dismissal papers on or before August 28, 2006, or appear for a case management conference on that date at 1:30 PM to explain why dismissal papers have not yet been filed.

**IT IS SO ORDERED.**

Dated: 08/04/06

  
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THELTON E. HENDERSON, JUDGE  
UNITED STATES DISTRICT COURT